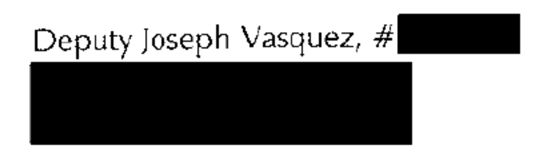


County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



LEROY D. BACA, SHERIFF

January 16, 2004

Deputy Joseph Vasquez, #[redacted]

[redacted]

Dear Deputy Vasquez:

On March 14, 2003, you were served with a Letter of Intention, indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under File Number IAB 2073234. You were also advised of your right to review the material on which the discipline was based.

You did exercise your right to respond. After reviewing the response submitted to support your position, the Department executives have amended the recommended discipline.

You are hereby notified that you are suspended without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department for a period of five (5) days. However, pursuant to a settlement agreement between you and the Department, the five (5) days will be held in abeyance for a period of twelve (12) months which will end on December 23, 2004. If you should become the Subject of a founded administrative investigation, with similar violations, and the event occurred within the prescribed twelve (12) month time period, the five (5) days held in abeyance will be imposed. Additionally, you will be subjected to further discipline for each and every founded violation of the Department's Manual of Policy and Procedures. All Departmental records will reflect, nevertheless, that you received a five (5) day suspension.

An investigation under File Number IAB 2073234, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Section 3-01/050.10, Performance to Standards, on or about September 14, 2001, you exposed and/or placed yourself and/or others in danger of serious injury and/or death from a suspect, known to you from prior on-duty contacts as Mr. Alex Quincy Carter, a narcotics user and/or mentally unbalanced person, and without knowing if this suspect was armed with

a weapon or not, placing yourself in a position and/or situation which necessitated the use of your firearm, and/or deadly force, in response to the unaggravated assault on you by the suspect, Mr. Alex Quincy Carter, resulting in the death of Mr. Carter.

Prior to imposing this disciplinary action, I have thoroughly reviewed the incident and your record with this Department.

You will hereby take notice that any future acts of misconduct may result in more severe disciplinary action.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Original Signed

Richard A. Adams, Captain
Commander, Lennox Station

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures.

RAA:EBS:rjb

c: Advocacy Unit
Michael M. Nagaoka, Chief, Field Operations Region II
Internal Affairs Bureau
Personnel Administration
Office of Independent Review (OIR)
Transit Services Bureau/unit Personnel File

3-01/050.10 Performance to Standards **

Members shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Members shall perform their duties in a manner which will tend to establish and maintain the highest standard of efficiency in carrying out the functions and objectives of the Department.

Incompetence may be demonstrated by:

- A lack of knowledge of the application of laws required to be enforced
- An unwillingness or inability to perform assigned tasks
- The failure to conform to work standards established for the member's rank or position
- Failure to take appropriate action on the occasion of a crime, disorder, or other condition deserving police attention
- Absence without leave
- Unnecessary absence from an assigned area during a tour of duty.

In addition to the above, the following will be considered to be prima facie evidence of incompetence:

- Repeated poor evaluations
- A written record of repeated infractions of the Department's rules, regulations, manuals, or directives.

I certify that on the date indicated below, I received the original of the attached **LETTER OF SUSPENSION** under File Number ***IAB 2073234*** as set forth in Section 18.01 of the Rules of the Los Angeles County Civil Service Commission.

01-16-04
DATE

JOSEPH VASQUEZ, #[redacted]

I certify that on the date indicated below, I served the original of the attached letter of suspension on ***JOSEPH VASQUEZ*** as set forth in Section 18.01 of the Rules of the Los Angeles County Civil Service Commission.

01-16-04
DATE

Leo M. Norton
WITNESS SIGNATURE

LEO M. NORTON
WITNESS PRINT

Please return this page along with Timekeeping Notification within two (2) business days to:

REBA BARNES
INTERNAL AFFAIRS BUREAU
4900 S. EASTERN AVE. #100
CITY OF COMMERCE CA 90040
[redacted]

SETTLEMENT AGREEMENT

This Agreement is entered into between the Los Angeles County Sheriff's Department, hereinafter referred to as "Department," and Deputy Joseph Vazquez, Employee Number [redacted] hereinafter referred to as "Grievant."

The Department and Grievant are parties to this dispute and desire to settle all issues involved in IAB File No. 2073234 upon the terms and conditions hereinafter set forth.

NOW, THEREFORE, the Department and Grievant for and in consideration of the mutual covenants contained herein, agree as follows:

1. The Department will, upon execution of this Agreement, reduce the intended fifteen (15) day suspension to a five (5) day suspension.

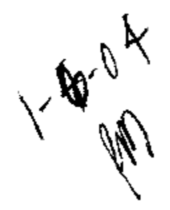
2. The Department will, upon execution of this Agreement, hold the five (5) days in abeyance.

3. The Grievant understands that if he becomes the subject of a founded investigation involving similar violations of the Manual of Policy and Procedures, and that if the event resulting in the founded investigation occurred within the twelve (12) month period of the date of execution of this Agreement, the five (5) days held in abeyance shall be imposed. In addition, the Grievant understands that he will be subjected to additional discipline for each and every founded violation of the Department's Manual of Policy and Procedures.

4. Both parties agree and understand that the Grievant's records will reflect that the five (5) day suspension was imposed and may be used for the purposes of demonstrating "progressive discipline."

5. Both parties agree that the Department shall issue the Grievant a Letter of Imposition which he accepts without appeal that shall read as follows:

> "That in violation of Manual of Policy and Procedures Sections 3-01/050.10, Performance to Standards, on or about September 14, 2001, you exposed and/or placed yourself and/or others in danger of serious injury and/or death from a suspect, known to you from prior on-duty contacts as Mr. Alex Quincy Carter, a narcotics user and/or mentally unbalanced person, and without knowing if this suspect was armed with a weapon or not, placing yourself in a position and/or situation which necessitated the use of your firearm, and/or deadly force, in response



to the unaggravated assault on you by the suspect, Mr. Alex Quincy Carter, resulting in the death of Mr. Carter."

6. Both parties further agree that the alleged violation of Manual of Policy and Procedures section 3-01/025.30, Use of Firearm and Deadly Force, as referenced in the Case Disposition Sheet dated March 14, 2003, shall be deemed "Unfounded."

7. The Grievant further agrees that, within six (6) months of the date of execution of this Agreement, he will participate in a Performance Mentoring Program at his unit of assignment in order to address the tactical issues identified in the investigation.

8. The Grievant understands that failure to participate in the Performance Mentoring Program as referenced in paragraph seven (7) shall result in the imposition of the five (5) days held in abeyance.

9. The Grievant further agrees to withdraw his grievance and waive any and all further administrative or judicial remedies with respect to the Letter of Imposition and the modified discipline, and also waives any administrative or judicial remedies with respect to any imposition pursuant to paragraphs three (3) and/or eight (8), above.

10. The parties further agree that this Settlement shall not be considered, cited, or used in future disputes as establishing past precedent or past employment practice.

11. In consideration of the terms and conditions set forth herein, Grievant agrees to fully release, acquit and forever discharge the County, and all present and former officers, employees and agents of the County, and their heirs, successors, assigns and legal representatives from any and all liability whatsoever for any and all claims arising out of or connected with the employment relationship between the County and Grievant concerning the subject matter of the grievance referred to herein.

12. The Grievant further agrees to relinquish and expressly waives all rights conferred upon him by the provisions of California Civil Code Section 1542, which reads as follows:

> "A general release does not extend to claims which the creditor does not know or suspect to exist in his favor at the time of executing the release, which if known by him must have materially affected his settlement with the debtor."

13. The date of the last signature placed hereon shall hereinafter be

known as the "date of execution" and the "effective date" of this Agreement.

14. The parties agree that the foregoing comprises the entire Agreement between the parties and that there have been no other promises made by any party. Any modification of this Agreement must be in writing.

I have read the foregoing Settlement Agreement and I accept and agree to the provisions contained therein and hereby execute it voluntarily and with full understanding of its consequences.

For the Sheriff's Department:

Date: 12-23-03

Joseph Vazquez, Deputy

Date: 12/24/03

Michael Nagaoka, Chief

176155IN25A - SH-AD-32A (CLEB 3/98)

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

DATE: March 14, 2003

DISPOSITION SHEET

FILE NO. IAB 2073234

FROM: SAMMY L. JONES, CAPTAIN
LENNOX STATION

TO: DENNIS H. BURNS, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: **VAZQUEZ, Joseph, #[redacted]**
Deputy Sheriff
Lennox Station
Field Operations Region II

Upon consideration of the facts developed in this investigation, I have determined that Subject Vazquez should be **SUSPENDED** without pay for a period of fifteen (15) days for the reasons set forth in the attached documentation. This decision may be reconsidered based on the employee's response.

Sammy L. Jones

3-14-03
Date

CASE REVIEWED BY:

Johnny G. Jurado, Commander
03-14-03
Date

Michael M. Nagaoka, Chief
03-14-03
Date



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
CURT LIVESAY • Chief Deputy District Attorney
PETER BOZANICH • Assistant District Attorney

DAVID H. GUTHMAN • Director

March 15, 2002

Captain Frank Merriman
Los Angeles County Sheriff's Department
Homicide Bureau
5747 Rickenbacker Road
Los Angeles, California 90040

Dear Captain Merriman:

Re: J.S.I.D. File # 01-0883
L.A.S.D. File # 001-11326-0332-058

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the September 14, 2001, fatal shooting of Alex Carter by Los Angeles County Sheriff's Deputies James Royal, Joseph Vazquez, and Anthony Hackett. We have concluded that the deputies acted lawfully in self-defense and in defense of others.

The following analysis is based upon a volume of reports totaling 209 pages prepared by the Los Angeles County Sheriff's Department, Homicide Bureau, and the Los Angeles County Department of Coroner, that were submitted to this office on or about December 4, 2001, and 257 photographs that relate to this incident. The District Attorney Command Center was notified of this shooting at 1:16 p.m.. Deputy District Attorney Max Huntsman and District Attorney Senior Investigator [redacted] members of the District Attorney Response Team (DART), arrived at the scene at approximately 2:25 p.m.. We were given a briefing by Sergeant Bob Taylor, provided two 'walk-throughs' of the shooting scene, and participated in eleven witness interviews that day and twelve subsequent witness interviews.

Criminal Courts Building
210 West Temple Street
Los Angeles, CA 90012-3210
WEBSITE: http://www.co.la.ca.us/da

FACTUAL ANALYSIS

Summary of Facts

On September 14, 2001, shortly after noon, Alex Carter created a disturbance near the intersection of Manhattan Beach Boulevard and Mansel Avenue in Lawndale. Carter was stopping cars and pedestrians, ranting incoherently, disrupting traffic, and striking vehicles. Lennox Sheriff's Station put out a radio broadcast in response to civilian reports and Deputies Royal, Vazquez, and Hackett responded separately. Each arrived within a few minutes and they attempted to detain Carter at gunpoint on Mansel Avenue, approximately 400 feet north of Manhattan Beach Boulevard. Carter appeared to be under the influence of PCP and only partially complied with commands. His conduct made it impossible for the deputies to be certain he was unarmed or to handcuff him. The deputies considered deploying less-lethal devices to take Carter into custody, but because these events unfolded quickly, did not have time to do so. Deputies Vazquez and Royal were aware of Carter's recent history of violence, PCP use, and animosity toward law enforcement in general and them in particular. When Carter suddenly charged Deputy Vazquez, Deputies Royal, Vazquez, and Hackett all discharged their weapons, killing Carter.

Prior to being interviewed, each of the three deputies who discharged their weapons were permitted to consult together in a room for a substantial time with their joint attorneys, but out of the presence of Sheriff's investigators.[1] Based upon the information made known to this office, it is impossible to determine if the statement given to investigators by any deputy was affected or influenced by shared discussions with the other deputies and their attorneys.[2]

In the months prior to his death Carter apparently developed a addiction to PCP and began behaving violently and erratically. Aside from recent violent episodes with his family and a commercial burglary he committed on the day of his death, Carter had no known California criminal record, although he had had several recent contacts with law enforcement.[3]

---

[1] In setting forth the proper procedure for interviewing peace officers, the officer involved shooting protocol for Los Angeles County provides that "[d]uring the pendency of the investigation and prior to interview, all witnesses or potential witnesses should be kept apart to maintain the integrity of their individual statements."

[2] Supervising Patrol Sergeant Claudine Sanchez related to Sergeant Robert Taylor that Carter charged the deputies "while reaching into the front of his waistband with both hands." It appears that this information was relayed to Sergeant Sanchez by one or more of the deputies as part of a "public safety" statement upon her arrival at the scene. However, the investigative report does not indicate the source or sources of the information.

[3] On September 13, 2001, the day before Carter's death, Deputies Vazquez and Royal issued a citation to him for selling watches without a license. During that contact Carter reminded Deputy Vazquez that he had impounded Carter's car two to three months earlier. Carter said the deputies had cost him money and

Statements of Deputies

Deputy Vazquez was the first deputy to arrive at Mansel Avenue. Civilians directed him to Carter, who threw his hands above his head and began pacing back and forth while striking himself on the head. Carter was sweating profusely. Deputy Vazquez got out of his patrol car, pointed his gun at Carter and ordered him to lie face down. Carter, who did not comply, instead took a seated position, pointed at the sky and at Deputy Vazquez, and mumbled incoherently. Carter then lay down and crossed his legs. When Deputy Vazquez told him to spread his legs, Carter sat up, gave Deputy Vazquez "the finger," and grabbed his crotch. Deputy Vazquez recognized Carter and spoke to him by name. Carter did not comply with orders, but instead stood up and sat down several times prior to the arrival of Deputy Royal. Deputy Vazquez formed the opinion that Carter was under the influence of PCP.

Deputy Vazquez told investigators that Deputy Royal and then Deputy Hackett arrived and also pointed their pistols at Carter. Deputy Vazquez heard someone request a stun bag shotgun and saw Deputy Royal unholster and reholster his oleoresin capsicum ("OC") spray canister. Deputy Vazquez noticed that the wind was blowing against the deputies and would make use of the OC spray ineffective.

Deputy Vazquez stated that Carter began inching toward him. Carter pointed at him and said, "You don't say anything to me, bitch." Carter seemed to fixate on Deputy Vazquez' firearm. Carter then suddenly bent forward at the waist and sprinted toward Deputy Vazquez. Deputy Vazquez feared that Carter would either produce a weapon and kill him, or disarm him and use his weapon against him. Deputy Vazquez told investigators that, fearing for his safety, he fired three or four times while stepping backward, striking Carter in the torso.

Deputy Royal told investigators that while responding to the scene he heard an emergency broadcast from Depuy Vazquez, who indicated that he was holding a suspect at gunpoint and needed immediate assistance. Deputy Royal arrived seconds later. When Deputy Royal arrived he saw Carter seated in the street about 10 to 15 feet from Vazquez. Carter was extremely agitated, sweating profusely, and making continuous

---

"rapped" about them losing their jobs for harassing him. When first contacted, Carter was lying on the sidewalk. Deputy Vazquez thought his behavior strange, but did not consider the possibility of PCP intoxication until he responded to a call from Carter's family later that day.

Later that same day, Carter's [redacted] contacted police and related that Carter was acting violently as the result of PCP use. He was not at their home when Sheriff's Deputies arrived and consequently was not arrested.

[redacted]

motions with his arms. Deputy Vazquez instructed Carter to stop moving and lie down on the pavement. Carter continually ignored Deputy Vazquez, standing and sitting more than once. Carter eventually lay down and rolled over, continuously making agitated gestures. Deputy Royal said that he and Vazquez were alone with Carter for a few minutes. Deputy Hackett then joined them and all three deputies had their guns drawn and pointed at Carter.

Deputy Royal stated that Carter told Deputy Vazquez, "Don't fucking talk to me, I'm going to get you." Carter, who had been in a crouched position, suddenly jumped up to a standing position. Carter brought both hands to his waistband and sprinted at Deputy Vazquez in a motion that Deputy Royal compared to a football running back taking a handoff from a quarterback. Deputy Royal said that Carter concealed both his hands inside his waistband and immediately came at Deputy Vazquez, closing the distance in a fraction of a second. Deputy Royal said he fired three times while backing away and that Carter got to within one to two feet of Deputy Vazquez before he was shot.

Deputy Royal also told investigators about his prior contacts with Carter, adding that he believed that Carter was under the influence of PCP.

Deputy Hackett told investigators that he heard a radio broadcast relaying that a deputy was detaining a suspect at gunpoint and needed backup. Deputy Hackett believed it took him about 30 seconds to arrive at the intersection of Manhattan Beach Boulevard and Mansel Avenue. He noticed Deputies Royal and Vazquez pointing their guns at Carter, who was lying on the pavement. Deputy Hackett positioned himself between the two deputies, also with his gun drawn.

Deputy Hackett stated that he observed Carter rolling back and forth, hitting his head with his hands, banging his chest, and "flipping people off." According to Hackett, Carter appeared to focus on Deputy Vazquez, said, "Fuck you" to him several times, and seemed to have a personal vendetta against the deputy. Deputy Vazquez repeatedly gave commands to Carter that he ignored. Carter stood up and Deputy Royal removed his OC spray from his belt. However, a strong breeze was blowing which would have made the OC spray ineffective. Deputy Hackett used his radio to request a stun bag shotgun. He said that he made several radio requests for less lethal weapons, but did not believe he could safely leave the other deputies to try to get one. His patrol unit was not equipped with such a device.

Deputy Hackett told investigators that Carter appeared incoherent and sweaty and exhibited additional unspecified symptoms of drug intoxication.

Deputy Hackett said that Carter stood and began beating on his chest with both hands. Deputy Hackett said that he saw Deputy Royal unholster his OC spray but that Deputy Royal did not use it. Carter then reached into the waistband of his pants, crouched forward and ran towards Deputy Vasquez. From bulges in Carter's pockets, Deputy

Hackett believed Carter might have a weapon. Deputy Hackett said Carter ran toward them very quickly and he and Deputy Vazquez took several steps backward. Deputy Hackett told investigators that he fired when Carter was four to seven feet from Deputy Vazquez, stating that he fired because he believed Carter was going to kill Deputy Vazquez.

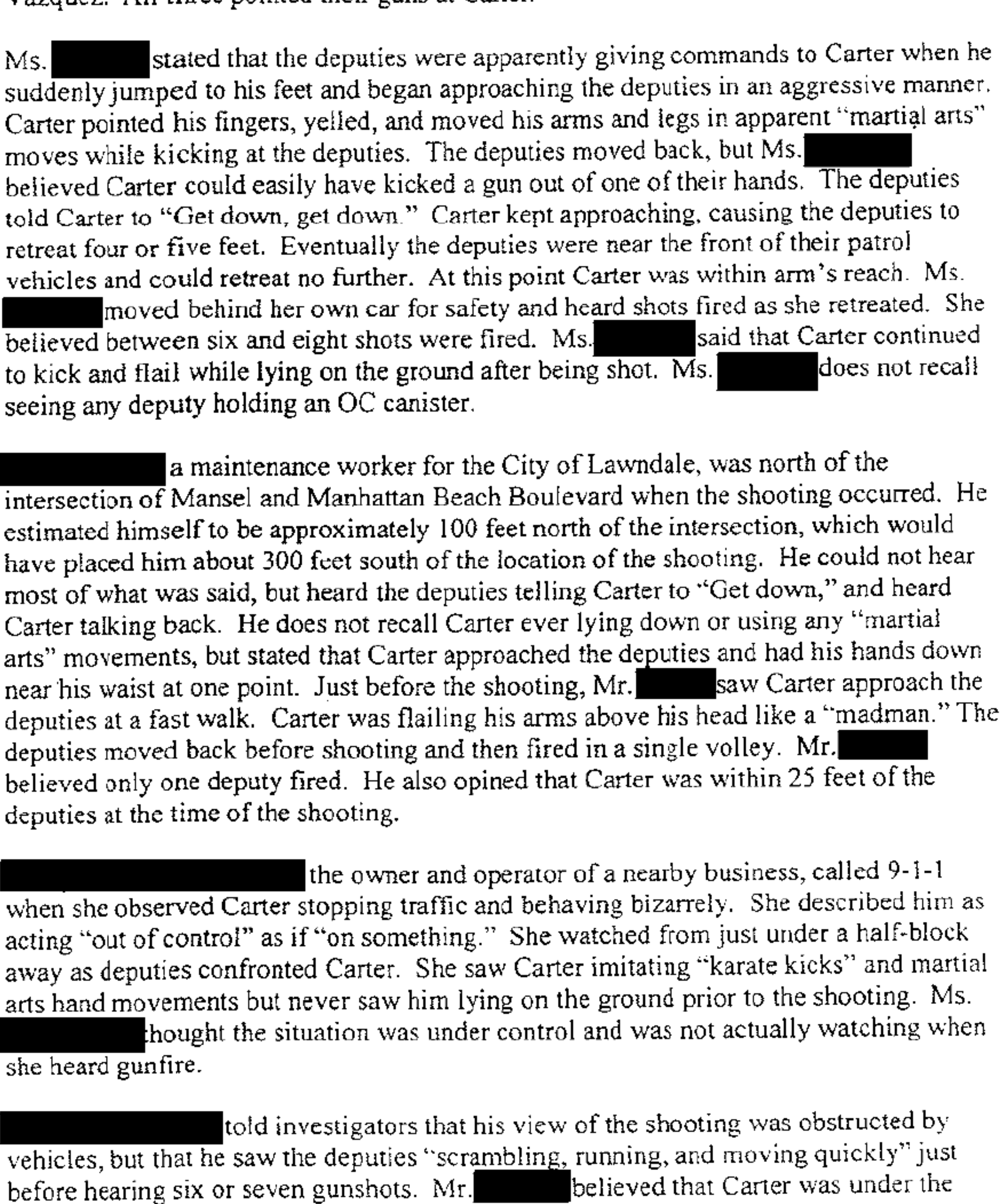
Deputy Joseph Misplay did not witness most of the events leading up to the shooting. He had been attempting to prevent civilian traffic from entering the area and believed Carter to be under control. He decided to assist when civilians warned him that Deputies Royal, Vazquez, and Hackett needed assistance. He ran north on Mansel Avenue and was approximately 30 to 50 feet south of the deputies when shots were fired. While his view of the incident was partially blocked, Deputy Misplay did confirm that Carter was rapidly approaching the deputies when he was shot. He also stated that he heard a request for a stun bag shotgun, and said that he heard the deputies saying, "Show your hands. Put your hands up. Let me see your hands," before the fatal shots were fired. Deputy Misplay could not estimate the distance between Carter and Deputy Vazquez.

Deputy Campbell, partner to Deputy Misplay, approached the scene and saw the shooting deputies facing Carter in the street. Carter was uncooperative and was behaving bizarrely by striking himself and pointing at the sky. Deputy Cambell heard a request for a "stun bag" which he conveyed over his radio. Deputy Campbell said Carter was initially five to seven feet away from the deputies and closed to two to three feet. While he was approaching the deputies, Carter dropped his hands to his waist area, bent forward, and lunged. According to Deputy Campbell, his view of Carter's hands was obstructed at the point Deputies Royal, Vazquez, and Hackett discharged their weapons.

Statements of Civilians

[redacted] was driving home from work when she encountered Carter disrupting traffic. She called the Lennox Sheriff's Station dispatcher (a phone number she keeps ready for her own protection due to her regular commute through the area) and continued to observe Carter throughout the incident. Before the deputies arrived she observed Carter attacking cars and ranting and raving unintelligibly. She conveyed information about Carter's actions and location to the dispatcher. When the first deputy arrived and attempted to detain Carter, she told the dispatcher that he would need back-up because Carter was "totally out of control and being combative." Ms. [redacted] made her observations from her car parked a few houses south of the spot where the confrontation occurred.

Ms. [redacted] told investigators that she heard Deputy Vazquez say something to Carter and saw Carter lie down on his back. Ms. [redacted] observed Carter thrusting his arms at the sky like he was pointing to heaven. Although she could not understand most of what he said, describing it only as "ranting," she believed she heard the word, "God." Carter was highly agitated throughout the incident. Ms. [redacted] saw Carter lift his shirt and



expose his waistband, presumably in response to a command, and saw Carter throw his backpack to the pavement. Two additional deputies then arrived to assist Deputy Vazquez. All three pointed their guns at Carter.

Ms. [redacted] stated that the deputies were apparently giving commands to Carter when he suddenly jumped to his feet and began approaching the deputies in an aggressive manner. Carter pointed his fingers, yelled, and moved his arms and legs in apparent "martial arts" moves while kicking at the deputies. The deputies moved back, but Ms. [redacted] believed Carter could easily have kicked a gun out of one of their hands. The deputies told Carter to "Get down, get down." Carter kept approaching, causing the deputies to retreat four or five feet. Eventually the deputies were near the front of their patrol vehicles and could retreat no further. At this point Carter was within arm's reach. Ms. [redacted] moved behind her own car for safety and heard shots fired as she retreated. She believed between six and eight shots were fired. Ms. [redacted] said that Carter continued to kick and flail while lying on the ground after being shot. Ms. [redacted] does not recall seeing any deputy holding an OC canister.

[redacted] a maintenance worker for the City of Lawndale, was north of the intersection of Mansel and Manhattan Beach Boulevard when the shooting occurred. He estimated himself to be approximately 100 feet north of the intersection, which would have placed him about 300 feet south of the location of the shooting. He could not hear most of what was said, but heard the deputies telling Carter to "Get down," and heard Carter talking back. He does not recall Carter ever lying down or using any "martial arts" movements, but stated that Carter approached the deputies and had his hands down near his waist at one point. Just before the shooting, Mr. [redacted] saw Carter approach the deputies at a fast walk. Carter was flailing his arms above his head like a "madman." The deputies moved back before shooting and then fired in a single volley. Mr. [redacted] believed only one deputy fired. He also opined that Carter was within 25 feet of the deputies at the time of the shooting.

[redacted] the owner and operator of a nearby business, called 9-1-1 when she observed Carter stopping traffic and behaving bizarrely. She described him as acting "out of control" as if "on something." She watched from just under a half-block away as deputies confronted Carter. She saw Carter imitating "karate kicks" and martial arts hand movements but never saw him lying on the ground prior to the shooting. Ms. [redacted] thought the situation was under control and was not actually watching when she heard gunfire.

[redacted] told investigators that his view of the shooting was obstructed by vehicles, but that he saw the deputies "scrambling, running, and moving quickly" just before hearing six or seven gunshots. Mr. [redacted] believed that Carter was under the influence of PCP.

[redacted] saw the shooting from a front yard approximately [redacted] of the incident. He could not hear what was said. After initially lying down, Carter stood and began pacing and hitting himself in the head. Carter ranted and raved and appeared to be dancing. Eventually Carter made a lunging movement toward a deputy while flailing his arms. When Carter made another move toward the deputy approximately eight shots were fired.

[redacted] joined his [redacted] in the front yard of their house. He climbed a wall to get a better view of the incident, but his view was still partially obstructed by patrol cars. He watched as Carter appeared to attempt to leave. The deputies shouted at Carter and he turned around and was slapping himself in the face. Carter began walking toward the deputies. The deputies backed away from Carter and yelled at him, but Carter continued to approach them. According to [redacted] Carter was approximately ten feet away when the deputies fired at him.

Carter's [redacted] of six days, [redacted] was not present at the shooting but told investigators that her [redacted] had developed a PCP habit in recent months and was behaving violently and erratically. He assaulted her, and others in her presence, on more than one occasion, sometimes using martial arts techniques he claimed to have learned from God. He physically assaulted her on September 11 and September 13, claiming direction from God both times. She related to investigators that Carter told her the day before he died that he had concealed his hands inside his pocket to make the police think he had something during a previous contact. She asked him, "What if the cops would have shot you?" He did not answer the question.

Physical Evidence and Ballistics

Criminalists recovered and examined nine shell casings in the area of the shooting.[4] Four of the casings were found to have come from the gun of Deputy Vazquez, three from the gun of Deputy Royal, and two from the gun of Deputy Hackett. Mansel Avenue, the street in which the shooting occurred, runs north and south and the center of the street is slightly higher than the east or west gutters for drainage. Three of the recovered casings matched to Deputy Vazquez's firearm were found to the east side of the street and one was found in the middle of the street. The casings discharged from the guns of the other deputies appear to have fallen to the west side of the street. Blood, clothing, and paramedic material suggest that Carter came to rest on the east side of the street less than twenty feet north of the most northerly casing. Bullet strikes to two nearby trashcans and two retaining walls on the east side of the street and somewhat north of Carter's body suggest trajectories for bullets being fired roughly south to north and west to east. No evidence of gunshot residue was found on Carter's clothing and a test firing of Deputy

[4] Each deputy believed his pistol to be fully loaded (15 rounds) with an additional round chambered prior to the incident. Based upon inspection of the weapons after the shooting and assuming the weapons were fully loaded, the deputies fired a total of 10 rounds. Presumably one shell casing escaped notice, although it is possible Deputy Hackett's weapon was not fully loaded or did not have a round chambered.



Vazquez's weapon found that it ceased to produce visible residue at distances between two and two and a half feet.

Coroner's Findings

Carter was a 6' 1", 200 lb., 22 year-old male. An autopsy revealed seven gunshot wounds to Carter's body. The fatal wound, which was fired by Deputy Vazquez, entered the front of Carter's chest and pierced the vena cava and aorta. Two other wounds, to the arm and thigh, were potentially fatal. The remaining four wounds were non-fatal. A toxicology analysis revealed PCP in Carter's urine and blood taken from his heart.[5]

LEGAL ANALYSIS

In protecting himself or another, a person may use all force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury which appears to be imminent. CALJIC 5.30. 5.32.

California law permits the use of deadly force in self-defense or in the defense of another if it reasonably appears to the person claiming the right of self-defense or the defense of another that he actually and reasonably believed that he was in imminent danger of great bodily injury or death. People v. Williams (1977) 75 Cal. App. 3d 731

Where the peril is swift and imminent and the necessity for action immediate, the law does not weigh into nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety. People v. Collins (1961) 189 Cal. App. 2d 575.

Actual danger is not necessary to justify the use of deadly force in self-defense. If one is confronted by the appearance of danger which one believed, and a reasonable person in the same position would believe, would result in death or great bodily injury, one may act upon those circumstances. The right of self-defense is the same whether the danger is real or merely apparent. People v. Toledo (1948) 85 Cal.App.2d 577.

[5] Carter's heart blood contained 35 ng/ml (nanograms per milliliter) and his urine contained 39 ng/ml. In a brief telephone consultation, Chief Joseph Muto of the Coronor's Forensic Science Laboratories Division explained that such levels were significant and could result in irrational behavior and other symptoms typical of PCP intoxication. While the levels found in Carter's body were not extremely high, violent and irrational behavior and the amount of PCP in a person's blood often do not correlate and any level can be significant. Chief Muto stated that such levels could be the result of PCP intoxication from the previous day, but that the similarity of levels between blood and urine suggested that the PCP had been ingested more recently. Chief Muto also confirmed that PCP's reputation for granting super-human strength is not exaggerated and it can take a dozen people to restrain an intoxicated subject.

CONCLUSION

Deputies Royal, Vazquez, and Hackett shot Alex Carter in a justified act of self-defense. Prior to confronting the deputies, Carter engaged in long term PCP abuse. Either as a result of that abuse, or in addition to it, Carter developed symptoms of severe mental illness including violent and irrational behavior. During this period of time Carter also came into contact with law enforcement more frequently and apparently developed an animosity for law enforcement in general and Deputy Vazquez in particular.

Before confronting Carter, all three deputies had been advised of his recent bizarre behavior. Deputies Vazquez and Royal were specifically aware that Carter had been violent and under the influence of PCP the day before. All three deputies observed Carter to be currently under the influence, acting unpredictably, and refusing to comply with instructions. Carter's actions prevented them from approaching to learn if he was unarmed. Carter verbally threatened Deputy Vazquez prior to charging him.

All three shooting deputies recall Carter reaching to his waistband when he rushed deputy Vasquez. Deputy Campbell also saw Carter reach toward his waistband. Deputy Misplay heard Carter being ordered to show his hands just before the shooting. However, civilian witnesses describe the incident differently. Because the deputies were permitted to consult together after the shooting and prior to being interviewed by Sheriff's investigators, it is difficult to determine whether the similarity of their accounts indicates accuracy.

[redacted] described Carter as slapping himself in the face before walking towards the deputies. [redacted] said that Carter was flailing his arms as he made a lunging motion. Ms. [redacted] said that Carter made martial arts kicks and punches while approaching the deputies, who repeatedly retreated before firing. None of the civilians described Carter as reaching for his waistband at the time he was shot. Only one civilian, Mr. [redacted] said Carter put his hands near his waistband. Mr. [redacted] also said Carter's hands were above his head at the time of the shooting. However, the civilian witnesses were hundreds of feet away, while the deputies were all within fifty feet. Furthermore, deputies are trained to pay particular attention to the position of a suspect's hands. Civilians are not.

Some civilian witnesses stated that Carter was walking toward the deputies at the time he was shot. Some recall Carter moving quickly toward the deputies. One witness, Mr. [redacted] described Carter as moving at a fast walk. Another witness, Mr. [redacted] described a lunging motion. A third, Mr. [redacted] stated that the deputies were scrambling to get away from Carter. Speed and distance can be difficult to judge in a rapidly unfolding situation. The fact that most civilian witnesses to the incident were several hundred feet away could clearly have limited their ability to accurately judge speed and distance.

Given the totality of the circumstances presented in this case, the deputies' expressed fear that Carter posed an immediate life threatening danger to Deuty Vazquez appears reasonable. As such, their use of deadly force appears to have been a legally justified act in self-defense and defense of others. We are therefore closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY
District Attorney

By:

MAX HUNTSMAN
Deputy District Attorney
213/974-3906

cc: Deputy Royal, #[redacted]
Deputy Vazquez, #[redacted]
Deputy Hackett, #[redacted]